

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*

Defendants.

Case No.: 1:25-cv-02429-MKV

**DECLARATION OF JONATHAN
ROSENTHAL IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Jonathan Rosenthal, hereby declare as follows:

1. I am an attorney at the law firm Altshuler Berzon LLP in San Francisco, CA, and am a member of the State Bar of California. I am co-counsel for Plaintiffs in this matter, and have been admitted to practice *pro hac vice* in this case. I make this statement based on personal knowledge, and if called as a witness could and would testify competently thereto.

2. This declaration is submitted in support of Plaintiffs' Motion for a Preliminary Injunction.

3. At my direction, a litigation assistant at my law firm searched the public websites of each agency Defendant—the U.S. Department of Health and Human Services, U.S. Department of Education, U.S. Department of Justice, National Institutes of Health, and General Services Administration—for records regarding Defendants' recent Title VI enforcement actions against Columbia, including any legal notices, findings, records of any hearing, or reports to Congress. The litigation assistant could identify no such records other than the press releases referenced below in paragraphs 23, 24, 26, 28, 33, 61, 62, and 65, and the spreadsheet referenced in paragraph 36.

4. Attached hereto as **Exhibit 1** is a true and correct copy of the following article: Lydia Gall, *Hungary Continues Attacks on Academic Freedom*, Human Rights Watch (Sept. 3, 2020), downloaded from <https://www.hrw.org/news/2020/09/03/hungary-continues-attacks-academic-freedom>, and available at <https://perma.cc/Q96R-2S52>.

5. Attached hereto as **Exhibit 2** is a true and correct copy of the following article: Muzaffer Kaya, *Turkey's Purge of Critical Academia*, Middle East Research and Information Project (2018), downloaded from <https://merip.org/2018/12/turkeys-purge-of-critical-academia/>, and available at <https://perma.cc/C4CJ-CBT8>.

6. Attached hereto as **Exhibit 3** is a true and correct copy of the following article:

Pedro Salgado, *The Crisis of Brazilian Universities: Higher Education Under Bolsonaro*, International Research Group on Authoritarianism and Counter-Strategies (July 22, 2021), downloaded from <https://irgac.org/articles/the-crisis-of-brazilian-universities-higher-education-under-bolsonaro/>, and available at <https://perma.cc/4H5U-RMPM>.

7. Attached hereto as **Exhibit 4** is a true and correct copy of the following webpage:

Agenda 47, *Protecting Students from the Radical Left and Marxist Maniacs Infecting Educational Institutions*, DonaldJTrump.com (July 17, 2023), downloaded from <https://www.donaldjtrump.com/agenda47/agenda47-protecting-students-from-the-radical-left-and-marxist-maniacs-infecting-educational-institutions>, and available at <https://perma.cc/7HZN-5MW8>.

8. Attached hereto as **Exhibit 5** is a true and correct copy of the following webpage:

Agenda 47, *The American Academy*, DonaldJTrump.com (Nov. 1, 2023), downloaded from <https://www.donaldjtrump.com/agenda47/agenda47-the-american-academy>, and available at <https://perma.cc/B66V-ZXMT>.

9. Attached hereto as **Exhibit 6** is a true and correct copy of the following article:

Henry Reichman, “*The Professors Are the Enemy*”, The Chronicle of Higher Education (Dec. 14, 2021), downloaded from <https://www.chronicle.com/article/the-professors-are-the-enemy>.

10. I watched the YouTube video, National Conservatism, J.D. Vance | The Universities are the Enemy | National Conservatism Conference II, YouTube (Nov. 10, 2021), available at <https://www.youtube.com/watch?v=0FR65Cifnhw>, and at <https://perma.cc/WQF6-QU6V>. The video is of a speech given by J.D. Vance. The speech is titled “The Universities are

the Enemy.” At 30 minutes and 22 seconds into the video, Mr. Vance states, “the professors are the enemy.”

11. Attached hereto as **Exhibit 7** is a true and correct copy of the article Rob Dreher, “*I would like to see European elites actually listen to their people for a change*”: *An Interview with J.D. Vance*, The European Conservative (Feb. 22, 2024), downloaded from <https://europeanconservative.com/articles/dreher/i-would-like-to-see-european-elites-actually-listen-to-their-people-for-a-change-an-interview-with-j-d-vance/>, and available at <https://perma.cc/5WJK-KC8P>.

12. I watched the YouTube video, Mark McMillan, *Leo Terrell with Mark Levin-How we'll defeat antisemitism in the USA* (Mar. 9, 2025), available at <https://www.youtube.com/watch?v=NOFIKRr2Sco>, and at <https://perma.cc/5V4R-M692>. The video is of an interview segment on Fox News. At 2:41, Defendant Leo Terrell states, “The academic system in this country has been hijacked by the left, has been hijacked by the Marxists. They have controlled the mindset of our young people . . . and we have to put an end to it.” At 1:42 and 4:16, Mr. Terrell states, “We’re going to bankrupt these universities. We’re going to take away every single federal dollar... If these universities do not play ball, lawyer up, because the federal government is coming after you.”

13. Attached hereto as **Exhibit 8** is a true and correct copy of a transcript of an interview with Defendant Leo Terrell: *Leo Terrell, Senior Counsel to the Attorney General for Civil Rights, On Crushing Anti-Semitism on Campus*, Hughniverse Podcast (Mar. 19, 2025), downloaded from <https://hughhewitt.com/leo-terrell-senior-counsel-to-the-attorney-general-for-civil-rights-on-crushing-anti-semitism-on-campus>, also available at <https://perma.cc/6YHF-VZKG>.

14. Attached hereto as **Exhibit 9** is a true and correct copy of a letter from Edward R. Martin, United States Attorney for the District of Columbia, to William M. Treanor, Dean, Georgetown Law Center, (Feb. 17, 2025), downloaded from <https://www.ncronline.org/files/2025-03/3.7.24%20Ed%20Martin%20letter%20%20to%20Georgetown%20law.pdf>, and available at <https://perma.cc/JBE9-UJZK>.

15. Attached hereto as **Exhibit 10** is a true and correct copy of the following article: *Sleep Patterns May Reveal Comatose Patients with Hidden Consciousness*, Columbia University Irving Medical Center (Mar. 3, 2025), downloaded from <https://news.columbia.edu/news/sleep-patterns-may-reveal-comatose-patients-hidden-consciousness>.

16. Attached hereto as **Exhibit 11** is a true and correct copy of the following article: *Nerves Electrify Stomach Cancer, Sparking Growth and Spread*, Columbia University Irving Medical Center (Feb. 19, 2025), downloaded from <https://www.cuimc.columbia.edu/news/nerves-electrify-stomach-cancer-sparking-growth-and-spread>, and available at <https://perma.cc/AE3J-R87L>.

17. Attached hereto as **Exhibit 12** is a true and correct copy of the following article: *Training Your Electronic Record to Think Like a Liver Doctor*, Columbia University Irving Medical Center (Feb. 20, 2025), downloaded from <https://www.cuimc.columbia.edu/news/training-your-electronic-health-record-think-liver-doctor>, and available at <https://perma.cc/B5LC-BU5H>.

18. Attached hereto as **Exhibit 13** is a true and correct copy of the following webpage: *Financial Overview*, Columbia University, downloaded from <https://www.columbia.edu/content/financial-overview>, last accessed on March 23, 2025.

19. Attached hereto as **Exhibit 14** is a true and correct copy of the following webpage: *Economic Engine for New York*, Columbia University, downloaded from <https://economicimpact.columbia.edu/>, last accessed on March 23, 2025.

20. Attached hereto as **Exhibit 15** is a true and correct copy of the following article: Ian Bogost, *A New Kind of Crisis for American Universities*, The Atlantic (Feb. 10, 2025), downloaded from <https://www.theatlantic.com/health/archive/2025/02/nih-trump-university-crisis/681634/>, and available at <https://perma.cc/4PD3-8SY4>.

21. Attached hereto as **Exhibit 16** is a true and correct copy of the following article: Willem Marx, *Campus Protests over the war in Gaza have gone international*, Nat'l Public Radio (May 3, 2024), downloaded from <https://www.npr.org/2024/05/03/1248661834/student-protests-gaza-universities-international>, and available at <https://perma.cc/WES8-P4Z5>.

22. Attached hereto as **Exhibit 17** is a true and correct copy of Executive Order No. 14188, titled “Additional Measures to Combat Anti-Semitism,” available at 90 Fed. Reg. 8847 (January 29, 2025).

23. Attached hereto as **Exhibit 18** is a true and correct copy of the following press release: Office of Public Affairs, *Justice Department Announces Formation of Task Force to Combat Anti-Semitism*, U.S. Dept. of Justice (Feb. 3, 2025), downloaded from <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>, and available at <https://perma.cc/KCF4-LB52>.

24. Attached hereto as **Exhibit 19** is a true and correct copy of the following press release: *U.S. Department of Education Probes Cases of Antisemitism at Five Universities*, U.S. Department of Education (Feb. 3, 2025), downloaded from

<https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities>, and available at <https://perma.cc/M547-JNKP>.

25. Attached hereto as **Exhibit 20** is a true and correct copy of the following webpage: *Statement on Notice from U.S. Department of Education Office of Civil Rights*, Columbia University Office of Public Affairs (Feb. 3, 2025), downloaded from <https://communications.news.columbia.edu/news/statement-notice-us-department-education-office-civil-rights>.

26. Attached hereto as **Exhibit 21** is a true and correct copy of the following press release: *HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses*, U.S. General Services Administration (Mar. 3, 2025), downloaded from <https://www.gsa.gov/about-us/newsroom/news-releases/hhs-ed-and-gsa-announce-additional-measures-to-end-antisemitic-harassment-03032025>, and available at <https://perma.cc/7QHZ-E4KU>.

27. Attached hereto as **Exhibit 22** is a true and correct copy of a social media post of President Donald Trump (@realDonaldTrump), from Truth Social, posted on March 4, 2025, 7:30AM, downloaded from <https://truthsocial.com/@realDonaldTrump/posts/114104167452161158>.

28. Attached hereto as **Exhibit 23** is a true and correct copy of the following press release: *DOJ, HHS, ED, and GSA announce initial cancellation of grants and contracts to Columbia University worth \$400 million*, U.S. General Services Administration (Mar. 7, 2025), downloaded from <https://www.gsa.gov/about-us/newsroom/news-releases/doj-hhs-ed-and-gsa-announce-initial-cancellation-of-grants-and-contracts-03072025>, and available at <https://perma.cc/6GA5-JSB5>.

29. Attached hereto as **Exhibit 24** is a true and correct copy of the following article:

Matthew Haag and Katherine Rosman, *Decades Ago, Columbia Refused to Pay Trump \$400*

Million, New York Times (Mar. 21, 2025), downloaded from

<https://www.nytimes.com/2025/03/21/nyregion/trump-columbia-university-400-million.html>.

30. Attached hereto as **Exhibit 25** is a true and correct copy of the following webpage: Katrina Armstrong, *Responding to Federal Action*, Columbia University Office of the President (Mar. 7, 2025), downloaded from <https://president.columbia.edu/news/responding-federal-action>.

31. Attached hereto as **Exhibit 26** is a true and correct copy of a letter from Josh Gruenbaum, Sean R. Keveney and Thomas E. Wheeler, to Katrina Armstrong, Interim President of Columbia University (Mar. 13, 2025), downloaded from

<https://static01.nyt.com/newsgraphics/documenttools/6d3c124d8e20212d/85dec154-full.pdf>, and available at <https://perma.cc/6ZZE-HRFF>.

32. Attached hereto as **Exhibit 27** is a true and correct copy of the following document: *Advancing Our Work to Combat Discrimination, Harassment, and Antisemitism at Columbia*, Columbia University Office of the President, downloaded from <https://president.columbia.edu/sites/default/files/content/03.21.2025%20Columbia%20-%20FINAL.pdf>, and available at <https://perma.cc/3FFS-4NR4>.

33. Attached hereto as **Exhibit 28** is a true and correct copy of the following press release: *HHS, ED, and GSA Respond to Columbia University's Actions to Comply with Joint Task Force Pre-Conditions*, U.S. Department of Health and Human Services (Mar. 24, 2025), downloaded from <https://www.hhs.gov/about/news/columbia-comply-anti-semitism-task-force-preconditions-met.html>.

34. Attached hereto as **Exhibit 29** is a true and correct copy of a social media post posted by the National Institutes of Health, @NIH, on X.com (Mar. 10, 2025), downloaded from <https://x.com/nih/status/1899196680270238173>, and available at <https://perma.cc/USJ7-74AS>.

35. Attached hereto as **Exhibit 30** is a true and correct copy of the following article: Caroline Lewis, *Hundreds of research grants at Columbia canceled following Trump edict, administrator says*, Gothamist (Mar. 11, 2025), downloaded from <https://gothamist.com/news/hundreds-of-research-grants-at-columbia-canceled-following-trump-edict-administrator-says>, and available at <https://perma.cc/H7E3-TVKY>.

36. Attached hereto as **Exhibit 31** is a true and correct copy of a spreadsheet published online by the U.S. Department of Health & Human Services entitled “HHS Grants Terminated”, downloaded from https://taggs.hhs.gov/Content/Data/HHS_Grants_Terminated.pdf, last accessed March 24, 2025, and available at <https://perma.cc/CZJ6-LDP9>.

37. Attached hereto as **Exhibit 32** is a true and correct copy of the following article: Ryan Quinn, *Trump’s Columbia Cuts Start Hitting Postdocs, Professors*, Inside Higher Ed. (Mar. 13, 2025), downloaded from <https://www.insidehighered.com/news/faculty-issues/research/2025/03/13/trumps-columbia-cuts-start-hitting-postdocs-professors>.

38. Attached hereto as **Exhibit 33** is a true and correct copy of the following article: Humberto Basilio, ‘*My career is over*’: *Columbia University scientists hit hard by Trump team’s cuts*, Nature (Mar. 14, 2025), downloaded from <https://www.nature.com/articles/d41586-025-00812-x>.

39. Attached hereto as **Exhibit 34** is a true and correct copy of the following article: Joseph Goldstein, *Medical Research at Columbia Is Imperiled After Trump Terminates Funding*,

New York Times, (Mar. 18, 2025), downloaded from

<https://www.nytimes.com/2025/03/18/nyregion/columbia-research-grants-trump.html>.

40. Attached hereto as **Exhibit 35** is a true and correct copy of the following article:

Jason Mast, *Columbia scientists reel as Trump administration cancels grants, hitting broad suite of research*, STAT News, (Mar. 11, 2025), downloaded from

<https://www.statnews.com/2025/03/11/columbia-scientists-reel-grant-cancellations-hit-broad-suite-research/>.

41. Attached hereto as **Exhibit 36** is a true and correct copy of the following article:

Isabella Cueto, *ME/CFS research program shuts down at Columbia after Trump cuts*, STAT News (Mar. 19, 2025), downloaded from <https://www.statnews.com/2025/03/19/myalgic-encephalomyelitis-chronic-fatigue-syndrome-columbia-program-shutdown/>.

42. Attached hereto as **Exhibit 37** is a true and correct copy of the following document: *Open letter in response to federal funding cuts at Columbia* (Apr. 1, 2025), downloaded from <https://drive.google.com/file/d/1E-0lkZCSzUbrBpyxCRSM-rIU8Xdh9Xbe/view>, and available at <https://perma.cc/9AJT-JCN5>.

43. Attached hereto as **Exhibit 38** is a true and correct copy of the following article: Mark Alfred, *The Trump Administration Cut Cancer and Alzheimer's Research Funding at Columbia University*, NOTUS, (Mar. 18, 2025), downloaded from <https://www.notus.org/health-science/columbia-university-grant-cuts>.

44. Attached hereto as **Exhibit 39** is a true and correct copy of the following webpage: Thomas Bailey, *Update in Light of March 7 Federal Announcement*, Teachers College Columbia University (Mar. 7, 2025), downloaded from

<https://www.tc.columbia.edu/articles/2025/march/update-in-light-of-march-7-federal-announcement/>, and available at <https://perma.cc/Z9G7-N2ZY>.

45. Attached hereto as **Exhibit 40** is a true and correct copy of the following article: Jocelyn Kaiser, *After Columbia's 'nightmare,' dozens more universities brace for Trump NIH cuts*, Science (Mar. 18, 2025), downloaded from <https://www.science.org/content/article/after-columbia-s-nightmare-dozens-more-universities-brace-trump-nih-cuts>.

46. Attached hereto as **Exhibit 41** is a true and correct excerpt of the Congressional Record from April 7, 1964, statement of Senator Pastore, downloaded from <https://www.congress.gov/88/crecb/1964/04/07/GPO-CRECB-1964-pt6-1-1.pdf>, and available at <https://perma.cc/95VE-5QL8>.

47. Attached hereto as **Exhibit 42** is a true and correct excerpt of the Congressional Record from February 7, 1964, statement of Rep. Willis and Rep. Lindsay, downloaded from <https://www.congress.gov/88/crecb/1964/02/07/GPO-CRECB-1964-pt2-8-2.pdf>, and available at <https://perma.cc/WJK5-8K7G>.

48. Attached hereto as **Exhibit 43** is a true and correct copy of the following article: Abigail A. Gruber, *Religious Discrimination at School: Application of Title VI of the Civil Rights Act of 1964*, Congressional Research Service, Sep. 17, 2024, downloaded from <https://www.congress.gov/crs-product/LSB11129>.

49. Attached hereto as **Exhibit 44** is a true and correct copy of the following article: Jared P. Cole, *Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of 1964*, Congressional Research Service, Apr. 4, 2019, downloaded from <https://www.congress.gov/crs-product/R45665>.

50. Attached hereto as **Exhibit 45** is a true and correct copy of the Case Processing Manual of the U.S. Department of Education Office for Civil Rights, February 19, 2025, downloaded from <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf>, and available at <https://perma.cc/3KZL-DJQG>.

51. Attached hereto as **Exhibit 46** is a true and correct copy of the following webpage: Minouche Shafik, *Upholding Our Values*, Columbia University Office of the President (Oct. 18, 2023), downloaded from <https://president.columbia.edu/news/upholding-our-values>.

52. Attached hereto as **Exhibit 47** is a true and correct copy of the following webpage: Minouche Shafik, *Standing in Solidarity*, Columbia University Office of the President (Oct. 27, 2023), downloaded from <https://president.columbia.edu/news/standing-solidarity>.

53. Attached hereto as **Exhibit 48** is a true and correct copy of the following webpage: *Task Force on Antisemitism*, Columbia University, downloaded from <https://www.columbia.edu/content/task-force-antisemitism>.

54. Attached hereto as **Exhibit 49** is a true and correct copy of the following webpage: Minouche Shafik, Laura Ann Rosenbury, Thomas R. Bailey, *Announcing Task Force on Antisemitism*, Columbia University Office of the President (Nov. 1, 2023), downloaded from <https://president.columbia.edu/news/announcing-task-force-antisemitism>.

55. Attached hereto as **Exhibit 50** is a true and correct copy of the following webpage: *About the Task Force on Antisemitism*, Columbia University, downloaded from <https://www.columbia.edu/content/about-task-force-antisemitism>.

56. Attached hereto as **Exhibit 51** is a true and correct copy of the following webpage: *Report #1: Task Force on Antisemitism*, Columbia University (Mar. 2024), downloaded from <https://www.columbia.edu/content/report-1-task-force-antisemitism>.

57. Attached hereto as **Exhibit 52** is a true and correct copy of the following webpage: *President Shafik Welcomes the First Set of Recommendations from the Task Force on Antisemitism*, Columbia University Office of the President (Mar. 4, 2024), downloaded from <https://president.columbia.edu/news/president-shafik-welcomes-first-set-recommendations-task-force-antisemitism>.

58. Attached hereto as **Exhibit 53** is a true and correct copy of the following webpage: *Report #2: Task Force on Antisemitism*, Columbia University (Aug. 2024), downloaded from <https://www.columbia.edu/content/report-2-task-force-antisemitism>.

59. Attached hereto as **Exhibit 54** is a true and correct copy of the following webpage: *Combatting Antisemitism*, Columbia University Office of the President, downloaded from <https://president.columbia.edu/content/combatting-antisemitism>.

60. Attached hereto as **Exhibit 55** is a true and correct copy of the following webpage: *University Statement Regarding UJB Determinations*, Columbia University Office of Public Affairs (Mar. 13, 2025), downloaded from <https://communications.news.columbia.edu/news/university-statement-regarding-ujb-determinations>.

61. Attached hereto as **Exhibit 56** is a true and correct copy of the following press release: *Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism*, U.S. Department of Justice (Feb. 28, 2025), downloaded from <https://www.justice.gov/opa/pr/federal-task-force-combat-antisemitism-announces-visits-10-college-campuses-experienced>, and available at <https://perma.cc/LPX4-URGP>.

62. Attached hereto as **Exhibit 57** is a true and correct copy of the following press release: *U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment*, U.S. Department of Education (Mar. 10, 2025), downloaded from <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment>, and available at <https://perma.cc/KK4X-39Q9>.

63. Attached hereto as **Exhibit 58** is a true and correct copy of the following article: Maya Sulkin, *Columbia President Says One Thing to Trump Admin—and Another in Private*, The Free Press (Mar. 25, 2025), downloaded from <https://www.thefp.com/p/columbia-president-says-one-thing>, and available at <https://perma.cc/RTG2-QLDU>.

64. Attached hereto as **Exhibit 59** is a true and correct copy of the following webpage: *A Message from Dr. Katrina A. Armstrong*, Columbia University Office of Public Affairs (Mar. 28, 2025), downloaded from <https://communications.news.columbia.edu/news/message-dr-katrina-armstrong>.

65. Attached hereto as **Exhibit 60** is a true and correct copy of the following press release: *Joint Task Force statement regarding Columbia University's steps to advance negotiations* (Mar. 28, 2025), downloaded from <https://www.gsa.gov/about-us/newsroom/news-releases/joint-task-force-statement-regarding-columbia-universitys-steps-to-advance-03282025>, and available at <https://perma.cc/36BV-5XKB>.

66. Attached hereto as **Exhibit 61** is a true and correct copy of the following article: Eugene Volokh, Michael C. Dorf, David Cole, and 15 other scholars, *A Statement from Constitutional Law Scholars on Columbia*, The New York Review of Books (Mar. 20, 2025),

downloaded from <https://www.nybooks.com/online/2025/03/20/a-statement-from-constitutional-law-scholars-on-columbia/>, and available at <https://perma.cc/Z3G5-4ZNS>.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 3, 2025

Signed: /s/



Jonathan Rosenthal

Counsel for Plaintiffs